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IN THE HOUSE BY THE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

HOUSE BILL NO. 69

IN THE LEGISLATURE OF THE STATE OF ALASKA
SECOND LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the distraint procedure under the Alaska Net Income Tax Act; amending the first paragraph of Subsec. (D) of Sec. 12, Ch. 115, SLA 1949 as added by Ch. 132, SLA 1951 and as amended by Ch. 58, SLA 1959; amending paragraph 5; repealing and re-enacting paragraph 6 of Subsec. (D) of Sec. 12, Ch. 115, SLA 1949 as added by Ch. 132, SLA 1951; providing for distraint on real property; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

Section 1. The first paragraph of Subsec. (D) of Sec. 12, Ch. 115, SLA 1949 as added by Ch. 132, SLA 1951 and as amended by Ch. 58, SLA 1959 is amended to read as follows:

(D) Distraint on [PERSONAL] Property. It shall be lawful for the [TAX] Commissioner of Revenue, or any of his agents or deputies, to collect any taxes (the word "taxes", as used in this section, including any deficiencies in respect of such taxes) with such interest, penalties, and other additional amounts as are permitted by law, by distraint and sale, in the manner provided herein, of the property of any person, liable to pay any

1 taxes, interest, penalties, or other additional amounts,
2 who neglects or refuses to pay the same within ten days
3 from the mailing of notice and demand for payment thereof,
4 and who has not appealed from the assessment of such taxes,
5 interest, penalties and other additional amounts pursuant
6 to the provisions of Sec. 13 of this Act. The term
7 "property" as used herein means [SHALL BE CONSTRUED TO
8 MEAN] all [PERSONAL] property, real and personal, [BOTH]
9 tangible and intangible, and any right, title, and
10 interest to such [PERSONAL] property, and shall include,
11 without limitation, stocks, securities, bank accounts,
12 and evidences of debt.

13 Sec. 2. Paragraph 5 of Subsec. (D) of Sec. 12, Ch. 115,
14 SLA 1949 as added by Ch. 132, SLA 1951 is amended to read as
15 follows:

16 (5) (a) REDEMPTION OF PROPERTY. In any case of
17 distraint for the payment of taxes or deficiencies, the
18 property so distrained shall be restored to the owner or
19 possessor, if, prior to the sale, payment of the amount
20 due is made to the proper deputy or agent charged with
21 the collection, together with the fees and other charges;
22 but in case of nonpayment, the said deputy or agent shall
23 proceed to sell the said property at public auction.

24 (b) REDEMPTION OF REAL PROPERTY AFTER SALE. The
25 owners of any real property sold hereunder, their heirs,
26 executors, or administrators, or any person in their
27 behalf, shall be permitted to redeem the property sold,
28 or any particular tract of such property, at any time
29 within one year after the sale thereof.

1 Such property or tract of property may be redeemed
2 upon payment to the purchaser, or in case he cannot be
3 found in the state, then to the Commissioner of Revenue,
4 for the use of the purchaser, his heirs, or assigns, the
5 amount paid by such purchaser and interest thereon at the
6 rate of eight per cent (8%) per annum.

7 When any lands sold are redeemed as provided in this
8 section, the Commissioner shall cause entry of the fact
9 to be made upon the record mentioned in paragraph (6)(f)
10 of Subsec. (D) and such entry shall be evidence of such
11 redemption.

12 Sec. 3. Paragraph 6 of Subsec. (D) of Sec. 12, Ch. 115,
13 SLA 1949 as added by Ch. 132, SLA 1951 is repealed and re-
14 enacted to read as follows:

15 (6) (a) CERTIFICATE OF SALE. In the case of property
16 sold under this Act the deputy or agent conducting the sale
17 shall give to the purchaser a certificate of sale upon pay-
18 ment in full of the purchase price. In the case of real
19 property, such certificate shall set forth the real property
20 purchased, for whose taxes the same was sold, the name of
21 the purchaser, and the price paid therefore.

22 (b) DEED TO REAL PROPERTY. In the case of any real
23 property sold under this Act and not redeemed in the manner
24 and within the time provided in paragraph (5) of Subsec. (D)
25 of this Act, the Commissioner shall execute to the purchaser
26 of such real property at such sale a deed of the real
27 property so purchased by him, reciting the facts set forth
28 in the certificate.

29 (c) REAL PROPERTY PURCHASED BY STATE. If real

1 property is declared purchased by the deputy or agent for
2 the state at a sale pursuant to paragraph (4) of Subsec. (D)
3 the deputy or agent shall at the proper time execute a deed
4 therefore, after its preparation and the endorsement of
5 approval as to its form by the Attorney General, and with-
6 out delay, cause the deed to be duly recorded in the proper
7 registry of deeds.

8 (d) EFFECT OF CERTIFICATE OF SALE OF PERSONAL
9 PROPERTY. In all cases of sale of property under this Act
10 other than real property the certificate of sale--

11 (1) Shall be prima facie evidence of the
12 right of the deputy or agent to make such sale,
13 and conclusive evidence of the regularity of his
14 proceedings in making the sale; and

15 (2) Shall transfer to the purchaser all
16 right, title, and interest of such delinquent
17 in and to the property sold; and

18 (3) Where such property consists of stocks,
19 shall be notice, when received, to any corporation,
20 company, or association of said transfer, and shall
21 be authority to such corporation, company, or
22 association to record the transfer on their books
23 and records in the same manner as if the stocks
24 were transferred or assigned by the party holding
25 the same, in lieu of any original or prior certifi-
26 cates, which shall be void, whether canceled or
27 not; and

28 (4) Where the subject of sale is securities
29 or other evidences of debt, shall be a good and

1 valid receipt to the person holding the same,
2 as against any person holding, or claiming to
3 hold, possession of such securities or other
4 evidences of debt.

5 (e) EFFECT OF DEED OF REAL PROPERTY. In the case of
6 the sale of real property under this Act--

7 (1) The deed of sale given pursuant to sub-
8 paragraph (b) of paragraph (6) of Subsec. (D)
9 shall be prima facie evidence of the facts
10 therein stated; and

11 (2) If the proceedings of the Commissioner
12 or his deputy or agent as set forth have been
13 substantially in accordance with the provisions
14 of law, such deed shall be considered and operate
15 as a conveyance of all the right, title and interest
16 the party delinquent had in and to the real property
17 thus sold at the time the lien of the State of Alaska
18 attached thereto.

19 (f) RECORDS OF SALE. The Commissioner or his deputy
20 or agent shall keep a record of all sales of real property
21 under this Act and of redemption of such property. The
22 record shall set forth the tax for which any such sale was
23 made, the date of seizure and sale, the name of the party
24 assessed and all proceedings in making such sale, the
25 amount of expenses, the names of the purchasers, and the
26 date of the deed.

27 A copy of such record, or any part thereof, certified
28 by the Commissioner shall be evidence in any court of the
29 truth of the facts therein stated.

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Sec. 4. EFFECTIVE DATE. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.